

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

GREG ABBOTT, in his capacity as  
GOVERNOR OF THE STATE OF TEXAS,  
and THE STATE OF TEXAS,

*Defendants.*

Case No. 1:23-cv-00853-DAE

**PLAINTIFF'S OBJECTIONS AND COUNTER-DESIGNATIONS TO DEFENDANTS'  
DEPOSITION DESIGNATIONS**

Plaintiff submits the following objections and counter-designations to Defendants' deposition designations (ECF 240-1) in accordance with Local Rule CV-16(g)(1):

**Isela Canava, USIBWC 30(b)(6) deposition dated July 15, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counter-designation</u></b>
5:3	5:8		
10:15	10:25		
11:2	11:25		11:1
12:1	12:6		
12:18	12:23		12:22-23
13:13	13:21		
14:3	14:8		14:9-25; 15:1-4
15:10	15:25		
16:1	16:9		16:10-14
16:21	16:25		
17:1	17:17		
18:14	18:25		
19:1	19:8		
20:1	20:4		20:5-6
20:12	20:20		

23:24	23:25		
24:1	24:5		24:6-20
24:21	24:25		
26:5	26:8		
27:7	27:25	Relevance (27:23-25).	
28:1	28:10	Relevance.	28:11-30:2
30:15	30:25	Relevance (30:21-25).	
31:1	31:4	Relevance (31:1-4).	
34:8	34:25		
35:1	35:5		
38:5	38:11	Calls for legal conclusion	37:20-38:4
44:8	44:14	Calls for legal conclusion	
54:24	54:25	Foundation. Calls for speculation. Mischaracterizes document.	46:24-48:15; 55:6-56:20
55:1	55:5	Foundation. Calls for speculation. Mischaracterizes document.	46:24-48:15; 55:6-56:20
57:10	57:12		
58:24	58:25		
59:1	59:3		
59:20	59:24	Relevance.	59:25-60:2
61:21	61:25	Relevance.	
62:1	62:5	Relevance. Calls for speculation	62:5-15
68:1	68:19	Relevance. Calls for speculation. Calls for legal conclusion.	
70:12	70:24	Relevance.	
71:4	71:25	Relevance.	
72:1	72:1	Relevance.	72:1-4
72:13	72:18		72:18-73:1
73:16	73:25		
74:1	74:11	Relevance. Calls for speculation. Calls for legal conclusion.	74:12-19
75:1	75:6	Relevance	
78:14	78:19		
85:14	85:25		
86:1	86:6		86:14-22
87:13	87:19	Mischaracterizes prior testimony.	87:8-12; 87:19-25; 88:5-89:2
90:17	90:25		
91:1	91:2		91:3
93:21	93:25		92:11-93:20
94:1	94:3		
94:8	94:14		95:14-96:7; 207:25-209:16
97:6	97:13		
97:21	97:25	Relevance.	
98:1	98:25	Relevance.	
99:1	99:11	Relevance.	99:12-100:22

108:5	108:8		108:9-15
108:17	108:20		163:5-10
113:17	113:23		113:23-114:1
114:12	114:18	Relevance.	
116:3	116:25	Relevance.	
117:1	117:11	Relevance.	
118:1	118:4		
118:24	118:25	Relevance.	118:19-23
119:1	119:3	Relevance.	119:4-10
119:11	119:15	Relevance.	119:16-20
119:21	119:25	Relevance.	120:1-3
126:2	126:25	Relevance.	
127:1	127:2	Relevance.	127:3-12
127:13	127:25	Relevance.	
128:1	128:18	Relevance.	
130:20	130:25	Relevance.	
131:1	131:10	Relevance.	
131:15	131:19	Relevance.	
134:6	134:12		
135:20	135:23	Calls for legal conclusion. Foundation.	135:24
155:10	155:25	Foundation. Calls for speculation.	155:4-9
156:1	156:8	Foundation. Calls for speculation.	
167:17	167:25		
168:1	168:14		168:14-18
168:22	168:25	Asked and answered.	169:1-6; 169:10-18
178:2	178:6	Relevance.	178:6-9
186:17	186:25	Relevance.	
187:1	187:19	Relevance. Foundation. Calls for speculation.	
190:23	190:25		
191:1	191:25		
192:1	192:2		
192:14	192:25		
193:1	193:4		
202:15	202:25	Asked and answered.	
203:1	203:10		203:11-15
204:4	204:9	Asked and answered.	
209:21	209:25	Relevance.	
210:1	210:4	Relevance.	

**Michael Cintron, deposition dated July 17, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counterdesignation</u></b>
78:11	78:21		
79:3	79:18		
83:4	83:18		
93:19	93:22		
94:1	94:22		
95:1	95:22		
96:1	96:22		
97:1	97:10		97:11-19
98:1	98:22		
99:1	99:11		
99:13	99:22		
100:1	100:4		
100:6	100:7		
104:3	104:22		
105:1	105:22		
106:1	106:22		
107:1	107:17		107:18-110:4
114:2	114:13		138:13-140:7
114:15	114:17		114:19-115:17
134:17	134:21	Relevance	
135:1	135:3	Relevance	135:5-136:1
138:2	138:9	Relevance	138:13-140:7
147:22	148:19		
148:22	149:6		
149:8	149:18	Foundation	141:13-142:5
149:19	150:1	Relevance	150:2-6
156:3	156:5		
156:7	156:9		
156:21	157:2		
157:9	159:10		
163:16	163:17	Foundation	165:5-168:3
163:19	163:20	Foundation	165:5-168:3

**Micky Donaldson, deposition dated July 18, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counter-Designation</u></b>
13:7 14:1	13:25 14:3	Relevance	12:14-13:6 (for completeness, if original designation is admitted)
20:5	20:7		
24:23 25:1	24:25 25:12		
25:13	25:24		26:9-21
26:22 27:1	26:25 27:14		
30:11	30:16		
32:10	32:23	Speculation	
33:1	33:6	Relevance	18:12-19:2 (for completeness, if original designation is admitted)
34:24 35:1	34:25 35:5	Relevance	34:1-23 (for completeness, if original designation is admitted)
53:25 54:1	53:25 54:6		
58:8	58:16		58:17-23 91:2-22
66:8	66:11		
68:5	68:18	Hearsay	72:19-73:12 (for completeness, if original designation is admitted)
69:24 70:1	69:25 70:20		
73:21 74:1	73:25 74:6		72:19-73:12
76:12	76:15		
81:9 82:1	81:25 82:2		79:8-80:14; 134:25-135:12; 137:4-15
82:20 83:1 84:1	82:25 83:25 8:14		131:13-132:10
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105:11 106:1	105:25 106:21	Relevance	
115:1	115:12		
117:25 118:1	117:25 118:14		
120:12	120:24		
125:13	125:20		
136:23 137:1	136:25 137:24		

**Margaret Gaffney-Smith, deposition dated July 12, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counterdesignation</u></b>
12:5	12:22		
13:1	13:22		
14:1	14:10		14:11-15:15
18:1	18:22		
19:1	19:18		
20:9	20:22		
21:1	21:22		
22:1	22:22		
23:1	23:22		
24:1	24:22		
25:1	25:14		
33:8	33:22		
34:1	34:22		
35:1	35:21		
38:15	39:1		38:5-14
39:2	39:19	Mischaracterizes document & prior testimony	
39:20	40:7	Mischaracterizes document & prior testimony, asked & answered	
40:8	40:22		
41:1	41:22		
42:1	42:15		42:16-47:22, 56:16-57:8
49:11	49:22		
50:1	50:22		
51:1	51:16		
68:1	68:22		
69:1	69:5		
69:6	69:10	Calls for speculation	
69:11	69:19	Mischaracterizes document, calls for speculation, asked & answered	
73:7	73:13	Asked and answered, mischaracterizes testimony	73:16-18
74:17	74:22		
75:1	75:4		75:5-11
76:13	76:22		
77:1	77:22		
78:1	79:11		

79:2	79:22	Asked and answered	
80:1	80:12	Asked and answered	
108:3	108:13		
108:14	109:20		277:1-17
109:21	110:5		111:2-16, 114:7-115:7, 278:14-280:18
115:20	115:22		
116:1	116:15		115:8-14
164:15	164:22	Foundation	
169:5	169:22		
170:1	170:22		
171:1	171:22		
172:1	172:22		
173:1	173:10		
173:11	173:18	Question was withdrawn	
173:19	174:2		
177:20	178:4		
182:22	183:22		
184:1	184:18		
185:22	186:22		
187:1	187:7		
188:6	188:22		
189:1	189:22		
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278:19	279:5		278:14-18
280:9	280:18		279:6-280:8



**Mario Gomez, deposition dated August 7, 2023:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counter-designation</u></b>
5:9	5:22		
6:16	6:25		
7:1	7:10		
10:7	10:17		
11:1	11:25		
12:1	12:8		
25:9	25:13	Relevance	25:1-25:7
27:15	27:18		
51:3	51:25		51:7 – 51:13
52:1	52:18		
			49:1- 49:21

**Mario Gomez deposition dated July 16, 2024\***

The United States objects to the designations of in this transcript on grounds that the pages and lines do not match the transcript of the United States. Objections and counter-designations are reserved.

<u>Start</u>	<u>Finish</u>	<u>Objection</u>	<u>Counter-designation</u>
4:6	4:9		
4:15	4:25		
5:1	5:8		
5:18	5:25		
6:1	2:3		
6:19	6:20	Incomplete testimony	
7:8	7:12	Incomplete testimony	
11:24	11:25	Incomplete testimony	
12:1	12:2	Incomplete testimony	
13:16	13:17		13:19- 13:22
13:23	13:25		
14:1	14:2		
15:1	15:3	Incomplete testimony	
16:17	16:20	Incomplete testimony	
19:19	19:25	Incomplete testimony	
20:1	20:25		
21:11	21:23		
22:1	22:1		
22:7	22:10	Incomplete testimony	
23:17	23:22	Relevance	
33:3	33:11	Incomplete testimony	
33:23	33:25	Incomplete testimony	
34:1	34:6	Incomplete testimony	
35:16	35:25	Incomplete testimony	
36:1	36:13	Incomplete testimony	
37:22	37:25		
38:1	38:25		
39:1	39:22		
40:9	40:12	Incomplete testimony	
40:18	40:22	Incomplete testimony	
41:15	41:19	Incomplete testimony	
57:7	57:23	Incomplete testimony; Relevance	

58:1	58:23	Form; Relevance	
59:4	59:25	Form; Relevance; Outside Personal Knowlege	
60:1	60:25	Form; Relevance; Outside Personal Knowlege	
61:25	61:25	Incomplete testimony	
62:1	62:2		
65:7	65:25	Relevance	
66:2	66:8		
68:11	68:25		
69:1	69:5	Form	
			16:13- 16:25
			32:23- 33:25
			40:2 -46:8
			70:13- 71:13
			72:23-74:4
			74:12-77:3

**Kevin Kiefer, deposition dated July 17, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counterdesignation</u></b>
7:18	7:22		
8:1	8:17		
9:9	9:20		
14:5	14:15		
16:9	16:22		
17:1	17:22		
18:1	18:22		
19:1	19:13		
20:10	23:21		51:14-53:7
24:19	24:22	Calls for speculation, lack of personal knowledge	25:1-5
25:1	25:22		
26:1	26:22		
27:1	27:22		
28:1	28:22		
29:1	29:22		
30:1	30:22		
31:1	31:6		
31:7	31:17	Calls for speculation, lack of personal knowledge	
31:20	31:21	Calls for speculation, lack of personal knowledge	
32:1	32:22		
33:1	33:15		
33:17	33:22		
34:1	34:10		
34:12	34:16		



**Neil Lebsock, deposition dated July 8, 2024:**

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7	16-21		
24	18-25		
25	1-9		
27	7-15	Misstates witness's testimony	27:2-6
28	16-23		
31	9-19		
32	12-18		
33	10-21		33:2-6
35	10-13		
36	18-25		
37	21-23		
39	17-20		
40	23-25		
41	1-25		
42	1-25		
43	1-25		
44	1-2		
45	7-16		
48	2-4		
49	24-25		29:23-30:19
50	1-6, 21-25		51:23-52:9
51	1-20		51:23-52:9
52	24-25		53:14-54:2
53	1-13		53:14-54:2
57	12-25		58:25-59:8
58	1-19		58:25-59:8
59	13-17		

**Timothy MacAllister, deposition dated July 15, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counter-designation</u></b>
25:1	25:20	Relevance	
28:19	28:25	Relevance	
29:1	29:25	Relevance	
30:1	30:25	Relevance Asked and answered (30:19-24)	
31:1	31:25	Relevance	
32:1	32:1	Relevance	
46:21	46:25	Relevance	
47:1	47:15	Relevance	
48:1	48:19	Relevance	
49:22	49:25	Relevance	
50:1	50:25	Relevance	
51:1	51:25	Relevance Mischaracterizes prior testimony (51:19-25)	
52:1	52:25	Relevance Mischaracterizes prior testimony (52:1-6)	
53:1	53:25	Relevance Foundation; Calls for speculation (53:13-17)	
54:1	54:25	Relevance	
55:1	55:25	Relevance	
56:1	56:25	Relevance	
57:1	57:25	Relevance	
58:1	58:25	Relevance	
59:1	59:25	Relevance Foundation (59:18-24)	165:3-15
60:1	60:25	Relevance Foundation (60:5-11) Calls for legal conclusion (60:18-23) Mischaracterizes document; Calls for legal conclusion (60:24-25)	8:12-19; 8:21-25; 9:1-25; 10:1-10
61:1	61:25	Relevance Mischaracterizes document; calls for legal conclusion (61:1-23) Mischaracterizes document; Calls for legal conclusion; Foundation (61:24-25)	
62:1	62:25	Relevance Mischaracterizes document; Calls for legal conclusion; Foundation (62:1-12) Foundation (62:25)	
63:1	63:25	Relevance Foundation (63:1-15)	
69:14	69:25	Relevance	

70:1	70:25	Relevance	
71:1	71:17	Relevance	
97:3	97:19	Relevance; Foundation	
104:6	104:25	Relevance; Foundation; Calls for speculation	
105:1	105:25	Relevance; Foundation; Mischaracterizes document; Calls for speculation	
106:1	106:25	Relevance Foundation; Mischaracterizes document; Calls for speculation (106:1-11) Foundation (106:12-20) Foundation; Mischaracterizes document; Calls for speculation (106:21-25)	
107:1	107:25	Relevance Foundation; Mischaracterizes document (107:1-6) Foundation; Calls for speculation (107:7-19)	
108:1	108:25	Relevance Foundation; Mischaracterizes document; calls for speculation (108:4-12) Foundation; Calls for speculation (108:13-24)	
109:1	109:25	Relevance Foundation; Mischaracterizes document; Calls for speculation (109:1-10) Foundation; Calls for speculation (109:11-23)	
110:1	110:21	Relevance; Mischaracterizes document; Foundation; Calls for speculation	
111:5	111:14	Foundation	165:3-15
114:17	114:25	Assumes facts not in evidence (114:22-25)	113:15-22; 165:16-25, 166:1-11
115:1	115:25	Assumes facts not in evidence (115:1-7) Foundation; Mischaracterizes document; calls for speculation (115:12-18) Relevance; Foundation; Mischaracterizes document; calls for speculation (115:19-25)	113:15-22; 165:3-25; 166:1-11
116:1	116:14	Relevance Foundation; Mischaracterizes document; calls for speculation (116:1, 116:5-14)	113:15-22; 165:16-25; 166:1-11
118:6	118:25	Relevance Foundation; calls for speculation (118:21-25)	
119:1	119:25	Relevance; Foundation; Calls for speculation	
120:1	120:25	Relevance; Foundation; Calls for speculation	
121:1	121:25	Relevance; Foundation; Calls for speculation	
122:1	122:25	Relevance Foundation; calls for speculation (122:1-7)	



123:1	123:9	Relevance	
128:21	128:25	Relevance; Mischaracterizes document	
129:1	129:23	Relevance; Mischaracterizes document; Foundation	
131:7	131:25	Relevance	
132:1	132:25	Relevance Foundation (132:1-11)	
133:1	133:20	Relevance	
135:25	135:25	Relevance	
136:1	136:25	Relevance	
137:1	137:25	Relevance	
138:1	138:25	Relevance	
139:1	139:25	Relevance	
140:1	140:25	Relevance Mischaracterizes prior testimony (140:12-25)	
141:1	141:25	Relevance	
142:1	142:13	Relevance Foundation; Mischaracterizes prior testimony; Assumes facts not in evidence (142:7-13)	
145:1	145:25	Relevance (145:1-17) Foundation (145:18-25)	165:3-15
146:1	146:25	Foundation (146:1) Relevance; Foundation (146:2-7) Relevance (146:8-17) Relevance; Foundation (146:18-25)	
147:1	147:25	Relevance Foundation (147:1) Foundation (147:22-25)	
148:1	148:25	Relevance Foundation (148:1-4) Foundation (148:20-25)	
149:1	149:25	Relevance Foundation (149:1-2)	
150:1	150:25	Relevance	
151:1	151:25	Relevance Foundation (151:17-22)	
152:1	152:25	Relevance Foundation; Calls for speculation (152:22- 25)	
153:1	153:25	Relevance Foundation; Calls for speculation (153:1-5) Mischaracterizes document (153:6-15)	
154:1	154:25	Relevance	
155:1	155:25	Relevance	

156:1	156:25	Relevance	
157:1	157:25	Relevance Foundation (157:16-25)	
158:1	158:25	Relevance Foundation (158:1)	
159:1	159:25	Relevance	
160:1	160:25	Relevance Foundation (160:9-18) Mischaracterizes document (160:19-25)	
161:1	161:25	Relevance Mischaracterizes document (161:1-7)	
162:1	162:25	Relevance	
163:1	163:10	Relevance	
168:2	168:25	Relevance; Exceeds permissible scope of redirect	
169:1	169:4	Relevance; Foundation; Exceeds permissible scope of redirect	

**Ivan Morua, deposition dated July 18, 2024:**

<b><u>Start</u></b>	<b><u>Finish</u></b>	<b><u>Objection</u></b>	<b><u>Counter-designation</u></b>
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8:1	8:11		
9:5	9:12		
11:2	11:25		
12:1	12:9		
13:9	13:25		
14:1	14:25		
15:1	15:17		
18:9	18:25		
19:1	19:25		
20:1	20:1		20:9-22:1
23:3	23:25		
24:1	24:18		
25:3	25:3		
26:1	26:25		
27:1	27:11		
37:20	37:20	Incomplete	Incomplete
38:1	38:15		
41:14	41:25	Vague and ambiguous as to “valuable goods”	
42:1	42:25	Vague and ambiguous as to “goods and services”; calls for speculation	
43:1	43:25	Calls for legal conclusion; vague and ambiguous as to “highway of commerce”	
44:1	44:3		
46:17	46:25		
47:1	47:17	Calls for speculation; lack of personal knowledge	
52:19	52:25	Relevance	
53:1	53:1	Relevance	
57:14	57:25	Relevance	
58:1	58:25	Relevance	
59:1	59:25	Relevance	
60:1	60:25	Relevance	
61:1	61:16	Relevance	
63:14	63:25	Relevance	
64:3	64:12	Relevance	
77:21	77:25	Relevance	
78:1	78:14	Relevance	
81:22	81:25	Relevance	
82:1	82:24	Relevance	
86:2	86:25	Relevance	

87:1	87:2	Relevance	
106:8	106:16		
107:19	107:25	Relevance	
108:1	108:25	Relevance	
109:1	109:6	Relevance	

**Joseph Shelnutt, deposition dated August 7, 2023:**

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55	20-25		
56	1-2		
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61	5-23		
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70	1-3, 22-25	Ambiguous	
71	1-4, 16-23		
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**Walker Smith, deposition dated July 18, 2024:**

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8	1-25	Relevance	
9	1-25	Relevance	
10	1-10	Relevance	
11	4-24	Relevance	
13	9-16	Relevance	
15	10-25	Relevance	
16	1-10, 16-25	Relevance	
17	1-9, 15-25	Relevance	
18	1-3, 11-21	Relevance	
19	15-25	Relevance	
20	1-16, 22-24	Relevance	
21	1-25	Relevance	
22	1-15	Relevance	
23	20-25	Relevance	
24	1-25	Relevance	
25	1-25	Relevance	
26	1-25	Relevance	
27	1-13, 22-25	Relevance; Lack of foundation	
28	1-4, 15-25	Relevance	
29	1-19	Relevance; Calls for legal conclusion; Ambiguous as to meaning of “commercial navigation”	
30	4-10, 17-22	Relevance	
54	8-10	Relevance	

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I certify that on October 30, 2024, a copy of this filing was served on counsel of record through the Court's electronic filing system.

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